

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
(Northern Division)

UNITED STATES OF AMERICA,)
)
and the STATE OF MISSISSIPPI,)
)
Plaintiffs,)

v.)

THE CITY OF JACKSON, MISSISSIPPI,)
)
Defendant.)

Case No. 3:12-cv-790-HTW-LGI
(Clean Water Act Case)

UNITED STATES OF AMERICA,)
)
Plaintiff,)

v.)

THE CITY OF JACKSON, MISSISSIPPI,)
)
Defendant.)

Case No. 3:22-cv-00686-HTW-LGI
(Safe Drinking Water Act Case)

UNITED STATES' UNOPPOSED MOTION TO ENTER STIPULATED ORDER
(CLEAN WATER ACT CASE)

COMES NOW, the United States of America, by and through undersigned counsel, and hereby files this unopposed motion respectfully requesting that the Court enter the proposed Stipulated Order, as revised per the Stipulation filed with this Court at Dkt. No. 66.

On July 26, 2023, Plaintiff the United States of America filed a Notice of Lodging and lodged a proposed Stipulated Order on Sewer System (Dkt. No. 36) in *United States and State of*

Mississippi v. City of Jackson, Case No. 3:12-cv-790-HTW-LGI (Clean Water Act Case). The proposed Stipulated Order was entered into by the United States, on behalf of the U.S.

Environmental Protection Agency (“EPA”), co-Plaintiff the State of Mississippi, acting through the Mississippi Commission on Environmental Quality and the Mississippi Department of Environmental Quality (collectively “MDEQ”), and Defendant the City of Jackson, Mississippi.

It places the operation of the City’s sewer system under the temporary control of an Interim Third-Party Manager and is intended to put the City on a pathway to compliance with the federal Clean Water Act and the Mississippi Air and Water Pollution Control Law.

On August 1, 2023, notice of the proposed Stipulated Order was published in the Federal Register. 88 FR 50177 (Aug. 1, 2023). From August 1 through 31, 2023, the United States held a 30-day public comment period to receive comments on the Stipulated Order. Over 700 comments were received. After carefully considering the comments, the United States has determined that the comments did not disclose facts or considerations indicating that the Stipulated Order is inappropriate, improper, or inadequate. Based on the comments, the United States sought a minor amendment of the Stipulated Order to expressly require additional reporting by the ITPM on the Sewer System’s finances and, on September 29, 2023, the Parties and the ITPM filed a stipulation agreeing to this amendment. Dkt. No. 66. Therefore, the United States respectfully moves the Court to approve the Stipulated Order by signing and entering the Stipulated Order, as amended by the addition of the stipulated language in Dkt. No. 66, on the docket. This Motion is unopposed by MDEQ and the City, and MDEQ and the City each consent to entry of the Stipulated Order without further notice (Dkt. No. 36-1 at ¶ 34).

In support of this Motion the United States is separately filing a Memorandum in Support of the Motion to Enter. In addition, attached to this Motion are the following documents for the Court's consideration in this matter:

Exhibit A – Declaration of Edward G. Henifin

Exhibit B – Public Comments submitted in writing to the United States¹

Exhibit C – Transcript of Public Comment Meeting (Aug. 21, 2023, 6:00 p.m. meeting held at JSU E-Center)

Exhibit D – Transcript of Public Comment Meeting (Aug. 22, 2023, 10:00 a.m. meeting held at Tougaloo College)

Exhibit E – Transcript of Public Comment Meeting (Aug. 22, 2023, 6:00 p.m. meeting held at Tougaloo College)

Exhibit F – United States' Responses to Comments

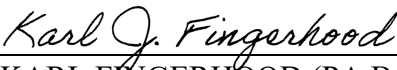
For the reasons set forth in the Memorandum in Support of the Motion to Enter the proposed Stipulated Order, we respectfully request the Court approve and sign the proposed Stipulated Order and enter it on the docket in this matter.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

Dated: September 29, 2023


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¹ Due the number and size of the comments, Exhibit B consists of several parts. In addition, pursuant to Local R. 5.2, Personal Identifiable Information has been redacted from the comments and from the Public Comment Meeting Transcripts.

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Dated: Sept. 29, 2023

/s/ Angela Givens Williams (with permission by KF)
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